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Attorney for Defendant

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

ABELLANOSA, JOANNA et. al.,	)	Civil Action No. 05-0010
)	
Plaintiffs,)	
	)	DECLARATION OF COUNSEL
vs.)	
)	
L&T INTERNATIONAL CORPORATION.)	
)	
Defendant.)	

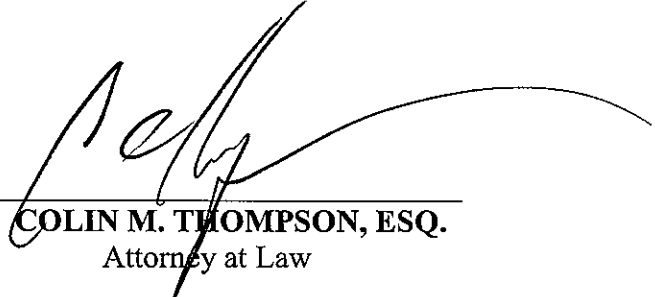
I, Colin M. Thompson, do declare that:

1. I am the attorney of record for L&T International Corporation.
2. I make this declaration based on my personal knowledge and I am competent to testify as to the matters set forth.
3. Attached to this declaration as Exhibit "A" is a true and correct copy of Colin M. Thompson's letter to Joe Hill dated August 31, 2006
4. Attached to this declaration as Exhibit "B" is a true and correct copy of Defendant's Supplemental Responses to Plaintiffs' Request for Admission.

1 5. Attached to this declaration as Exhibit "C" is a true and correct copy Defendant's
2 Supplemental Responses to Plaintiffs' Request for Interrogatories.

3
4 I declare under penalty of perjury under the law of the United States that the foregoing is true
5 to the best of my knowledge and belief.

6
7 Dated this 31st day of August 2006.

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12 COLIN M. THOMPSON, ESQ.
13 Attorney at Law
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Colin M. Thompson
Attorney at Law

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August 31, 2006

Via Facsimile and Hand Delivery

Joe Hill, Esq.
Attorney at Law
P.O. Box 500917
Susupe Village
Saipan, MP 96950

Re: Abellanosa et al. vs. L&T Corporation
Civil Action No. 05-0010

Dear Joe,

This will confirm the agreements we reached during our meet and confer held in your office on Tuesday the 29th of August. Significantly, this was the first time we meet and conferred about Plaintiffs' perceived deficiencies in Defendant's response s to discovery.

We were able to resolve a few issues. Wee agreed the subject to serving supplemental responses, Interrogatories 1, 2, 3 and 17 would be eliminated from your motion to compel along with Admissions 1, 2, 3, and 13. We also agreed that you will consider eliminating other responses from your motion depending on your review of the supplemental discovery. Please refer to supplemental responses to Plaintiffs' request for interrogatories and supplemental responses to plaintiffs' request for admissions served with this letter.

Unfortunately we were not able to meet and confer on all disputed issues. I offered to meet later that day, but you stated that you would not have time to meet until next week. Defendant's opposition to your motion to compel is due today. I called you to point out that we had yet to meet and confer as required under Local Rule 26.4 (a)¹. I also noted that I invited you to meet and confer a number of times relating to deficiencies in Plaintiffs discovery responses. I suggested that in light of our mutual obligations to meet and confer, that we agree to postpone the motions to compel until after we meet and confer on all issues. You rejected my proposal.

¹ Meet and Confer Requirement. The Court will entertain no motion under Federal Rules of Civil Procedure 26 through 37 unless counsel have previously met and conferred concerning all disputed issues. If counsel for the moving party seeks to arrange a conference and counsel for the party against whom the motion is made refuses or fails to meet and confer, the court may order the payment of reasonable expenses, including attorney fees, pursuant to FedR.Civ.P. 37(a)(4) and LR 1.3.

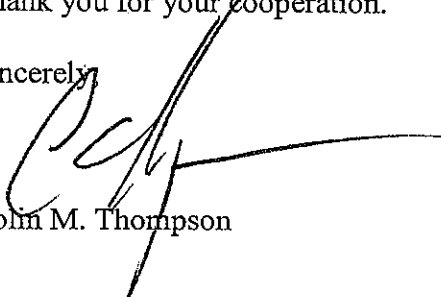
Letter to Joe Hill, Esq.
Re: Abellanos et. al. vs. L&T
August 31, 2006
Page 2 of 2

As explained, I now have no choice but to file an opposition to your motion to compel citing Local Rule 26.4 for the proposition that the Court should not entertain your motion because we did not meet and confer on all disputed issues. This is more than a technical deficiency. As demonstrated by our brief meet and confer on the 29th of August, we can resolve many disputed issues between ourselves without court intervention. This is especially true in this situation because you have not described with any particularity the deficiencies you perceive in Defendant's responses.

Please give me call if you have any questions or concerns.

Thank you for your cooperation.

Sincerely,



Colin M. Thompson

cc: Client

CMT/esl

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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

JOANNA ABELLANOSA, et al.,	)	Civil Action No. 05-0010
)	
)	
Plaintiffs.	)	DEFENDANT'S SUPPLEMENTAL
vs.	)	RESPONSE TO PLAINTIFFS'
	)	FIRST SET OF REQUEST
L&T INTERNATIONAL CORP.	)	FOR ADMISSIONS
)	
Defendant.)	
)	

Propounding Party: Plaintiffs, Joanna Abellanos, et. al.

Responding Party: Defendant, L&T International Corporation

TO : PLAINTIFFS and THEIR ATTORNEY OF RECORD

Pursuant to Federal Rules of Civil Procedure 36, Defendant, L&T International Corporation (Responding Defendant) hereby responds to Plaintiff First Set of Request for Admissions. The number of responses below correspond to the number of Plaintiffs' requests and in each case, L&T International reserves the right to supplement its response to any particular request a later time as new becomes available.

PRELIMINARY STATEMENT

These responses are made solely for the purpose of this action, without waiver of, and with preservation of:

(i) The right to object to all questions as to competency, relevancy, materiality, confidentiality, privilege, and admissibility of the responses and the subject matter thereof as evidence for any purpose in any further proceeding in this action (including trial);

(ii) The right to object to the use of any such responses, or the subject matter thereof, on any ground in any further proceeding in this action (including trial);

(iii) The right to object on any ground at any time to future requests for production, demands, interrogatories, document requests, or other discovery proceeding; and

(iv) The right at any time to revise, correct, and to supplement or clarify any of the responses contained herein.

The following responses (and any further responses to the Plaintiffs' First Request for Admission or to their subject matter) are made expressly without acknowledgment of materiality or relevance of information or documents described in the Request for Admission, or that said Request for Admission is in any way reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTIONS

1. The Responding Defendant objects to the Request for Admission to the extent it purports to discover evidence or information that is protected by the Attorney-Client Privilege or other privileges or exemptions, which is work product, or that is material prepared in anticipation of litigation within the meaning of the Federal Rules of Civil Procedure, upon the grounds that these matters are exempt from discovery and trial preparation material may only be discoverable upon satisfaction of the prerequisites delineated in the Rules of Civil Procedure, which prerequisites have

1 not been satisfied. If one or more responses is made that violates the Attorney-Client Privilege or
2 any other privilege, such response is inadvertent and is not intended as a waiver of said privilege.

3
4 2. Except for explicit facts admitted herein, no incidental or implied admissions are intended
5 hereby. The fact that Responding Defendant has responded or objected to any Request for
6 Admission or any part thereof should not be taken as an admission that Responding Defendant
7 accepts or admits the existence of any facts set forth or assumed by such Request for Admission or
8 that such response or objection constitutes admissible evidence. The fact that Responding Defendant
9 has responded to part or all of any Request for Admission is not intended and shall not be construed
10 to be a waiver by Responding Defendant of all or any part of any objection to any Request for
11 Admission made by the Responding Defendant.

12
13 3. Responding Defendant objects to the subject Request for Admission insofar as said
14 Request seeks to elicit the legal reasoning and theories underlying the various contentions and
15 defenses of the Responding Defendant. Further, Responding Defendant objects insofar as such
16 Request for Admission seeks to compel disclosure of privileged information which constitutes the
17 work product and/or attorney-client communication of Responding Defendant and its attorneys of
18 record.

19 4. Responding Defendant further objects to the Request for Admission on the ground that
20 said Request is compound, overbroad, and burdensome:

21 (a) The Request for Admission is overbroad insofar as it seeks to elicit
22 information other than that possessed by current officers, directors, employees or
23 agents of Responding Defendant or otherwise reasonably available to Responding
24 Defendant, or is contained in the documents currently possessed by, or under the
25 control of, the Responding Defendant.

1 (b)The Request for Admission is burdensome in that it purports to require
2 Responding Defendant to undertake extensive investigation beyond the scope called
3 for in the Rules of Civil Procedure.

4 (c) The Request for Admission is premature and burdensome in that
5 discovery is just beginning in this action and the depositions of the propounding party
6 and other third parties have not been taken, and many of the facts sought by the
7 Request for Admission are particularly within the knowledge of the propounding
8 party and other third parties.

9 (d) The Request for Admission is overbroad and burdensome to the extent
10 that the propounding party purports to elicit facts from Responding Defendant
11 relating to contentions which Responding Defendant has previously admitted in its
12 pleadings.

13 5. The response given below is based upon information that has been gathered to date.
14 Responding Defendant has not yet completed its investigation of the facts relating to this action, has
15 not yet completed discovery in this action, and has not yet completed its preparation for trial.
16 Consequently, Responding Defendant may not be in a position to provide complete responses to
17 each Request for Admission and the following responses are given without prejudice to Responding
18 Defendant's right to produce, at the time of trial, subsequently discovered evidence relating to the
19 proof of facts subsequently discovered to be material. To the best knowledge of Responding
20 Defendant, the information given herein is true and correct at this time, but Responding Defendant
21 reserves the right to correct inadvertent errors or omissions, if any such errors or omissions exist or
22 are hereafter discovered.

23
24 6. Responding Defendant also has not identified any consultants with knowledge of certain
25 facts responsive to these Requests for Admission. Responding Defendant intends to designate, at
some future time, technical expert witnesses who have knowledge of certain facts described in

1 Responding Defendant's response to this Request for Admission. Without waiving Responding
2 Defendant's right to later designate such experts, Responding Defendant will identify percipient
3 witnesses who may have knowledge of the facts relating to Responding Defendant's response to this
4 Request for Admission.

5
6 7. Except for facts explicitly admitted herein, no admission of any nature whatsoever is to be
7 implied or inferred from these responses.

8
9 8. By making this response, Responding Defendant does not concede that the Request for
10 Admission propounded nor the response given thereto, is relevant to the subject matter of this
11 proceeding, or are reasonably calculated to lead to the discovery of admissible evidence.
12 Responding Defendant expressly reserves the right to object to further discovery into the subject
13 matter of these Request for Admission and reserves the right to object to introduction into evidence
14 of information, documents or items produced in response to these Request for Admission.

15
16 9. Responding Defendant's response to the Request for Admission incorporates, and is to be
17 read in light of, this Preliminary Statement and General Objections. Without waiving the foregoing
18 objections, and specifically reserving the right to supplement the following responses in the future,
19 Responding Defendant responds to the Request for Admission as follows based on such information
20 and documents as are presently available.

21 **RESPONSE TO REQUEST FOR ADMISSIONS**

22
23 Defendant, L&T INTERNATIONAL CORPORATION hereby responds to the Plaintiff's
24 First Set of Request for Admissions as follows:
25

1 **REQUEST NO. 1:** Admit that defendant was aware of the existence and coverage of the
2 Nonresident Workers Act (NWA).

3 **RESPONSE:** L&T Admits that it was aware of the existence and scope of the Nonresident
4 Workers Act (NRWA).

5
6 **REQUEST NO. 2:** Admit that defendant was aware of the existence and coverage of the CNMI
7 Minimum Wage and Hours Act (MWhA).

8 **RESPONSE:** L&T Admits that it was aware of the existence and scope of the CNMI Minimum
9 Wage and Hours Act (MWhA).

10
11 **REQUEST NO. 3:** Admit that defendant was aware of the existence and coverage of the Fair Labor
12 Standards Act (FLSA).

13 **RESPONSE:** L&T Admits that it was aware of the existence and scope of the Fair Labor Standard
14 Act (FLSA).

15
16 **REQUEST NO. 4:** Admit that L&T International Corporation was, during the three (3) years prior
17 to the filing of this suit, an enterprise engaged in commerce or in the production of goods for
18 commerce within the meaning of 29 USC §203(s).

19 **RESPONSE:** Admit.

20
21 **REQUEST NO. 5:** Admit or deny that each plaintiff was hired for a term of one year.

22 **RESPONSE:** Responding Defendant admits that each plaintiff was hired for a term of one year
23 subject to the terms and conditions of non-resident worker contracts.

1 **REQUEST NO. 11:** Admit that Ma. Luisa Dela-Cruz Ernest was employed as Manager of Human
2 Resources for defendant, with policy level and making authority, and authority to hire and fire
3 plaintiffs, at all pertinent times.

4 **RESPONSE:** Responding Defendant admits that Ma. Luisa Dela-Cruz Ernest was employed as
5 Manager of Human Resources for defendant, with policy level and making authority. Responding
6 Defendant denies that Malou Dela- Cruz-Ernest had authority to hire and fire plaintiffs, at all
7 pertinent times.

8
9 **REQUEST NO. 12:** Admit that Ma. Luisa Dela-Cruz Ernest was the Manager of Human
10 Resources for the business entities and corporations under the L&T Group of Companies.

11 **RESPONSE:** Responding Defendant admits that Ma. Luisa Dela-Cruz Ernest was the Manager of
12 Human Resources for some of the business entities under the L&T Group of Companies.
13 Responding Defendant admits that the L&T Group of Companies does not own shares in any other
14 corporation.

15
16 **REQUEST NO. 13:** Admit that defendant and the L&T Group of Companies share a single-
17 centralized Human Resources Department.

18 **RESPONSE:** Responding Defendant denies that L&T Group of Companies share a single-
19 centralized Human Resources Department.

20
21 **REQUEST NO. 20:** Admit that pursuant to the Nonresident Workers Act (3 CMC §§ 4437[c];
22 4438[b]), defendant-employer was required to pay the fees for plaintiffs' physical examination.

23 **RESPONSE:** Objection Vague as to time. Responding Defendant denies that pursuant to the
24 Nonresident Workers Act (3 CMC §§ 4437[c]; 4438[b]), defendant-employer was required to pay
25 the fees for plaintiffs' physical examination prior to their employment with the Responding
Defendant.

1 **REQUEST NO. 21:** Admit that pursuant to the Nonresident Workers Act (3 CMC §§ 4437[c];
2 4438[b]), defendant-employer was required to pay the fees for plaintiffs' health certificates.

3 **RESPONSE:** Objection Vague as to time. Responding Defendant denies that pursuant to the
4 Nonresident Workers Act (3 CMC §§ 4437[c]; 4438[b]), defendant-employer was required to pay
5 the fees for plaintiffs' health certificates prior to employment with the Responding Defendant.
6

7 **REQUEST NO. 25:** Admit or deny that plaintiffs' employment was terminated without just cause.

8 **RESPONSE:** Responding Defendant denies that plaintiffs' employment was terminated without
9 just cause.
10

11 **REQUEST NO. 26:** Admit that defendant did not give each plaintiff ten (10) days advance written
12 notice before termination.

13 **RESPONSE:** Responding Defendant denies that defendant did not give each plaintiff ten (10) days
14 advance written notice before termination.
15

16 **REQUEST NO. 28:** Admit that defendant hired Chinese workers who performed the work of Hand
17 Packers during the period from February 1, 2004 through April 1, 2006.

18 **RESPONSE:** Admit.
19

20 **REQUEST NO. 31:** Admit that plaintiffs did not read the substantive content of their employment
21 contract prior to signing.

22 **RESPONSE:** Responding Defendant admits that some of the Plaintiffs testified in depositions that
23 they did not read the substantive content of their employment contract prior to signing. Except to the
24 extent admitted, L&T lacks sufficient information to admit or deny request No. 31 despite
25 reasonable inquiry conducted to date.

1 **REQUEST NO. 35:** Admit that defendant is obligated to pay plaintiffs' return airfare to the
2 Philippines.

3 **RESPONSE:** Responding Defendant admits that defendant is obligated to pay plaintiffs' return
4 airfare to the Philippines to the extent provided for in the non-resident worker contract and according
5 to CNMI law.

6
7 Dated this 30th day of August, 2006.


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11 
12 **COLIN M. THOMSON**
13 Attorney at Law
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CERTIFICATE OF SERVICE

Emily S. Licop, hereby certifies that a true and correct copy of **DEFENDANT'S SUPPLEMENTAL RESPONSE TO PLAINTIFFS' FIRST SET OF REQUEST FOR ADMISSIONS** in the foregoing civil action was served via facsimile and hand delivery to the office of:

Joe Hill, Esq.
Hill Law Offices
P.O. Box 500917
Saipan, MP 9695

Dated this 31st day of August, 2006.



EMILY S. LICOP

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J.E. Tenorio Building
Saipan, MP 96950
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Facsimile: (670) 233-0076

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

JOANNA ABELLANOSA, et al.,	)	Civil Action No. 05-0010
)	
)	
Plaintiffs.	)	DEFENDANT'S SUPPLEMENTAL
vs.	)	RESPONSE TO PLAINTIFFS'
	)	FIRST SET OF REQUEST FOR
L&T INTERNATIONAL CORP.	)	INTERROGATORIES
)	
Defendant.)	
)	

Propounding Party: Plaintiffs, Joanna Abellanos, et. al.

Responding party: Defendant, L&T International Corporation

Pursuant to Federal Rules of Civil Procedure, Defendant, L&T International Corporation, hereby responds to Plaintiffs' First Set of Request for Interrogatories as follows:

I.

OBJECTIONS

1. Reservation of Right to Amend/Augment. Responding Defendant is engaged in continuing investigation and discovery in this case. Therefore, all of the answers contained herein are based upon such information and documents as are presently available to and specifically known

1 to Defendant. Defendant therefore provides the following responses to the Interrogatories, without
2 prejudice to present later, even at trial, further documentary or other evidence. Defendant also
3 reserves the right to supplement these responses.

4 2. Objections Reserved. Each response is given subject to all appropriate objections
5 (including, but not limited to, objections of competency, relevancy, materiality, propriety, and
6 admissibility) which would require the exclusion of any statement contained herein. All such
7 objections and grounds therefore are reserved and may be interposed at the time of trial.

8 3. Attorney-Client Privilege Objection. Responding Defendant objects to the
9 Interrogatories to the extent that they seek information which is privileged under the attorney-client
10 privilege, attorney work-product doctrine, any other privilege, constitutional, statutory or regulatory
11 proscription against disclosure, or which are otherwise immune from discovery. Inadvertent
12 production of any such information shall not waive any privilege or any ground for objecting to
13 discovery regardless of the subject matter thereof. Nor shall any inadvertent disclosure waive the
14 right of Defendant to object to the use of any such information during any subsequent proceeding in
15 this action.

16 4. Confidential and Proprietary Information Objection. Responding Defendant objects
17 to the Interrogatories to the extent that they seek information containing confidential, commercial,
18 proprietary information.

19 5. Relevance and Breadth Objections. Responding Defendant objects to the
20 Interrogatories to the extent that they are overly broad, burdensome and oppressive by seeking
21 information which is not relevant to the subject matter of this litigation and is not reasonably
22 calculated to lead to the discovery of admissible evidence.

23 6. Objections to Excessive and Inconsistent Obligations. Responding Defendant objects
24 to the Instructions set forth in the Interrogatories to the extent they seek to impose obligations which
25 exceed or differ from those imposed by the applicable Federal Rules of Civil Procedure and Local
Rules of the District Court. Furthermore, Defendant objects to the Instructions on the grounds that
they exceed the scope of what defendant are entitled to request. Defendant also objects to the

1 Definitions set forth in the Interrogatories to the extent they seek to give words meanings other than
2 their ordinary meanings.

3 7. No Admissions Made or Inferred. Except for facts explicitly admitted herein without
4 qualification, no admission of any nature whatsoever is to be implied or inferred in the responses
5 referenced herein. The fact that any interrogatory herein has been responded to should not be taken
6 as an admission, or a concession of the existence, of any fact set forth or assumed by any
7 interrogatory, or that such response constitutes evidence of any fact thus set forth or assumed. All
8 responses must be construed as given on the basis of present knowledge and recollection.

9 8. Responding Defendant incorporates here by reference the foregoing objections in
10 response to each of these Interrogatories.

11 II.

12 RESPONSES

13
14 **INTERROGATORY NO. 1:** If your answer to Request for Admission No. 1 is anything other than
15 unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that the
16 defendant believes supports or tends to support the defendant's answer to that Request for
17 Admission, including the identity of documents that support or tend to support the defendant's
18 answer and the identity of all persons who have knowledge of facts that the defendant believes
19 supports or tends to support the defendant's answer to that Request for Admission.

20 **RESPONSE:** Not Applicable.
21

22 **INTERROGATORY NO. 2:** If your answer to Request for Admission No. 2 is anything other
23 than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that
24 the defendant believes supports or tends to support the defendant's answer to that Request for
25 Admission, including the identity of documents that support or tend to support the defendant's

answer and the identity of all persons who have knowledge of facts that the defendant believes supports or tends to support the defendant's answer to that Request for Admission.

RESPONSE: Not Applicable.

INTERROGATORY NO. 3: If your answer to Request for Admission No. 3 is anything other than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that the defendant believes supports or tends to support the defendant's answer to that Request for Admission, including the identity of documents that support or tend to support the defendant's answer and the identity of all persons who have knowledge of facts that the defendant believes supports or tends to support the defendant's answer to that Request for Admission.

RESPONSE: Not Applicable.

INTERROGATORY NO. 4: Do you contend that defendant or plaintiff is covered by any exemption provided by the NWA, FLSA or the regulations issued thereunder or under an order, ruling, approval, interpretation, administrative practice or enforcement policy of the CNMI DOL or the Federal Administrator of the Wage and Hour Division as a defense to this action? If so, —

a. state the citation of the statute, regulation, order, ruling, approval, interpretation, administrative practice or enforcement policy granting the exemption;

b. identify each fact upon which you rely to demonstrate the applicability of the exemption;

c. state the workweeks for which the exemption applied;

d. identify each document upon which you rely to demonstrate the applicability of the exemption; and

e. for each such regulatory order, ruling, interpretation, administrative practice or enforcement policy, state how the defendant has acted in conformity with the same.

1 **RESPONSE:** Objection vague, irrelevant and overbroad. Notwithstanding the objections, L&T is
2 obligated to comply with all Federal and CNMI Laws to the full extent of their applicability. L&T is
3 generally not exempt from the applicability of these laws. At times, L&T has received exemptions
4 from specific requirements of the NRWA, but those exemptions are not relevant to the instant case
5 or likely to lead to the discovery of relevant evidence.

6
7 **INTERROGATORY NO. 5:** If your answer to Request for Admission No. 4 is anything other
8 than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that
9 the defendant believes supports or tends to support the defendant's answer to that Request for
10 Admission, including the identity of documents that support or tend to support the defendant's
11 answer and the identity of all persons who have knowledge of facts that the defendant believes
12 supports or tends to support the defendant's answer to that Request for Admission.

13 **RESPONSE:** Not Applicable.

14
15 **INTERROGATORY NO. 6:** Describe and give all names defendant has been known by or used,
16 the type of business engaged in, the company's postal address, address of the head office, address of
17 each manufacturing facility owned and/or operated by defendant, the identity of defendant's parent,
18 subsidiary and affiliate businesses.

19 **RESPONSE:** Objection vague, irrelevant and overbroad. Notwithstanding the objections,
20 Responding Defendant identifies all names that the defendant has been known by or used as L&T,
21 L&T International Corporation and L&T Group of Companies. In further response to this
22 interrogatory, Defendant directs the Plaintiff to the public records filed with the corporate Registrar
23 and the Business Licence Office as well as the government public records. Also please refer to
24 business licenses attached to the response and Bates stamped 100001 through 100012. The
25 Defendant does not own or operate a manufacturing facility but does provide services and labor to
Concorde Garment Manufacturing Corporation. Tan Holdings Corporation is the 100% shareholder

of L&T Group of Companies, the successor corporation to L&T International Corporation. L&T has no subsidiary and has numerous affiliate businesses.

INTERROGATORY NO. 7: State the following information regarding defendant:

a. the name, address, and job classification of each and every officer or employee of said corporation who was in the chain of command between either plaintiff(s) and the person with the highest authority in defendant's operation during the period January 1, 2003 to the date of service of these interrogatories;

b. the name and address of each and every shareholder owning at least five percent (5%) of any or all classes of stock in said defendant's corporation during the period January 1, 2003 to the date of service of these interrogatories; and

c. identify each and every person (by name, address, job classification) responsible for the computation or payment of wages to the plaintiffs-employees of defendant during the period January 1, 2003 to the date of service of these interrogatories stating the function each such person performed with respect to employee wage payments.

RESPONSE:

(a)	Name	Address	Actual Post
	Xi, Xing Qin	Yangzhou, China	Line Leader
	Li, Zhi Min	Shanghai, China	Supervisor
	Wu, Duan Huai	Quanzhou, China	Supervisor
	Cao, Li Qun	Garapan, Saipan	Section Head
	Wu, Duan Shu	Suzhou, China	Section Head
	Fang, Zai Feng	Shanghai, China	Assistant Manager
	Tse, Oi Ling	Navy Hill, Saipan	Production Manager
(b)	Tan Holdings Corporation is the sole shareholder of L&T.		
(c)	Josie Autencio.	Finasisu, Saipan	Accountant

1 **INTERROGATORY NO. 9:** If your answer to Request for Admission No. 5 is anything other
2 than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that
3 the defendant believes supports or tends to support the defendant's answer to that Request for
4 Admission, including the identity of documents that support or tend to support the defendant's
5 answer and the identity of all persons who have knowledge of facts that the defendant believes
6 supports or tends to support the defendant's answer to that Request for Admission.

7 **RESPONSE:** Responding Defendant hired the Plaintiffs under the terms and conditions contained
8 in each plaintiff's respective non resident worker contract. The employment contracts between the
9 Plaintiffs and Defendant provided for one year of employment subject to termination under certain
10 express conditions including termination for a reduction in force due to economic necessity. Please
11 refer to those contracts previously produced by the Defendant.

12
13 **INTERROGATORY NO. 15:** If your answer to Request for Admission No. 11 is anything other
14 than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that
15 the defendant believes supports or tends to support the defendant's answer to that Request for
16 Admission, including the identity of documents that support or tend to support the defendant's
17 answer and the identity of all persons who have knowledge of facts that the defendant believes
18 supports or tends to support the defendant's answer to that Request for Admission.

19 **RESPONSE:** Ms. Ernest holds a policy making position but does not decide who to hire and fire.
20 Please refer to Defendant's Rule 26 disclosure.

21
22 **INTERROGATORY NO. 16:** If your answer to Request for Admission No. 12 is anything other
23 than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that
24 the defendant believes supports or tends to support the defendant's answer to that Request for
25 Admission, including the identity of documents that support or tend to support the defendant's

1 answer and the identity of all persons who have knowledge of facts that the defendant believes
2 supports or tends to support the defendant's answer to that Request for Admission.

3 **RESPONSE:** Ma. Luisa Dela Cruz- Ernest has been the Human Resources Manager for the
4 garment making affiliates of L&T Group of Companies since 2003. Please refer to Ms. Earnest's
5 personnel file previously produced to the Plaintiffs.

6
7 **INTERROGATORY NO. 17:** If your answer to Request for Admission No. 13 is anything other
8 than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that
9 the defendant believes supports or tends to support the defendant's answer to that Request for
10 Admission, including the identity of documents that support or tend to support the defendant's
11 answer and the identity of all persons who have knowledge of facts that the defendant believes
12 supports or tends to support the defendant's answer to that Request for Admission.

13 **RESPONSE:** L&T Group of Companies is the successor corporation to L&T International
14 Corporation. The human resources department for L&T International Corporation and its successor,
15 L&T Group of Companies, is the same department.

16
17 **INTERROGATORY NO. 24:** If your answer to Request for Admission No. 20 is anything other
18 than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that
19 the defendant believes supports or tends to support the defendant's answer to that Request for
20 Admission, including the identity of documents that support or tend to support the defendant's
21 answer and the identity of all persons who have knowledge of facts that the defendant believes
22 supports or tends to support the defendant's answer to that Request for Admission.

23 **RESPONSE:** Plaintiff's request for Admission No. 20 and Defendants response are as follows:

24 **REQUEST NO. 20:** Admit that pursuant to the Nonresident Workers Act (3 CMC
25 §§ 4437[c]; 4438[b]), defendant-employer was required to pay the fees for plaintiffs'
physical examination.

RESPONSE: Objection Vague as to time. Responding Defendant denies that
pursuant to the Nonresident Workers Act (3 CMC §§ 4437[c]; 4438[b]), defendant-

1 employer was required to pay the fees for plaintiffs' physical examination prior to
2 their employment with the Responding Defendant.

3 3 CMC § 4437(c) provides in relevant part that "All private sector nonresident employment contracts
4 under this chapter shall provide that the employer is responsible and liable for the insurance or
5 payment of all medical expenses of the nonresident worker, including cost of referral and evacuation
6 for medical treatment outside the Commonwealth, and cost of the embalming and transportation of
7 the body back to the country of origin in the event of death of the nonresident worker..." 3 CMC §
8 4438(b) provides in relevant part that

9 [t]he secretary may require the worker, together with any accompanying family
10 member, to undergo a physical examination in the Commonwealth performed by any
11 medical physician licensed to practice general medicine in the Commonwealth by the
12 Commonwealth Medical Professional Licensing Board, within 10 working days of
13 initial entry into the Commonwealth of a nonresident worker for employment under
14 this chapter or, if the worker is already present in the Commonwealth for some other
15 purpose, within 10 working days after the director issues a nonresident worker
16 identification certificate for the worker. Any family member preceding or following
17 the nonresident worker to the Commonwealth may also be required to undergo a
18 medical examination by a medical physician licensed to practice general medicine in
19 the Commonwealth by the Commonwealth Medical Professional Licensing Board
20 within 10 working days after entry into the Commonwealth. The cost of any
21 examination of a nonresident worker shall be borne by the employer. The cost of any
22 examination of a member of the family of any nonresident worker shall be borne by
23 either the worker or the employer, as the employment contract shall provide. The
24 director shall by regulation provide for annual physical examination of nonresident
25 workers and family members in the Commonwealth by any medical physician
licensed to practice general medicine in the Commonwealth by the Commonwealth
Medical Professional Licensing Board when employment under this chapter will
continue for more than one year. The cost of all examinations under this section shall
reflect the total cost, including physician fees, of providing the examinations. Any
nonresident worker or immediate family member who falls to comply with this
section shall be subject to immediate deportation to the point of origin. All costs of
repatriation of the nonresident worker shall be the responsibility of the employer.

23 Under the statutes cited above, L&T would only become responsible for the payment of the
24 Plaintiffs' physical examinations after L&T became the Plaintiffs approved employer. The First
25 Amended Complaint in this case alleges that L&T's obligation to pay for the Plaintiffs' physical
exam preceded the Department of Labor's approval or L&T employment of the Plaintiffs. L&T

1 denies this allegation. Request for Admission No. 20 is vague because it does not state what
2 physical examinations are being referred to or when the examinations took place.

3
4 **INTERROGATORY NO. 25:** If your answer to Request for Admission No. 21 is anything other
5 than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that
6 the defendant believes supports or tends to support the defendant's answer to that Request for
7 Admission, including the identity of documents that support or tend to support the defendant's
8 answer and the identity of all persons who have knowledge of facts that the defendant believes
9 supports or tends to support the defendant's answer to that Request for Admission.

10 **RESPONSE:** Please refer to Defendant's Response to Interrogatory No. 24.

11
12 **INTERROGATORY NO. 29:** If your answer to Request for Admission No. 25 is anything other
13 than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that
14 the defendant believes supports or tends to support the defendant's answer to that Request for
15 Admission, including the identity of documents that support or tend to support the defendant's
16 answer and the identity of all persons who have knowledge of facts that the defendant believes
17 supports or tends to support the defendant's answer to that Request for Admission.

18 **RESPONSE:** Each Plaintiff was hired by L&T under contract. Each contract provided for
19 termination when the employer needed to reduce the work force. Plaintiffs were terminated pursuant
20 to the terms of their employment contracts due to a reduction in the work force. The work force was
21 reduced because of declining orders pursuant to the Reduction in Force Policy. Please refer to
22 Plaintiffs' employment contracts, the Notices of termination, reduction in force policies and all
23 documents supporting the decision to reduce the work force.
24
25

INTERROGATORY NO. 30: If your answer to Request for Admission No. 26 is anything other than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that the defendant believes supports or tends to support the defendant's answer to that Request for Admission, including the identity of documents that support or tend to support the defendant's answer and the identity of all persons who have knowledge of facts that the defendant believes supports or tends to support the defendant's answer to that Request for Admission.

RESPONSE: Please refer to Plaintiffs' employment contracts and the Notices of termination.

INTERROGATORY NO. 31: For each plaintiff terminated, by defendant, describe in detail and/or state:

- a. the name, last known address, employer and employment position of each and every person who in any way participated in the decision to terminate each plaintiff;
- b. the reason(s) for plaintiffs' termination of employment;
- c. the name and last known address of each person who was present when plaintiffs' employment was terminated; and
- d. identify each and every document upon which you base your answer to this interrogatory.

RESPONSE:

a)	Name	Address	Employer	Position
	Tse. Oi Ling	Navy Hill	L&T	Production Manager
	Joaquin Torres	Gualo Rai	L&T	HR Director
	Choi Yeung, Mei Ngor	Navy Hill	L&T	Vice-President Production

b) Plaintiffs' employment contracts with L&T were terminated because of a reduction in force. Please refer to Plaintiffs' employment contracts, the Notices of termination and all documents supporting the decision to reduce the work force including sales reports, production reports, workforce budgeting reports, worker efficiency reports among other documents all identified in Defendants Rule 26 disclosure and made available to Plaintiffs for inspection.

c) The following individuals were present when the Plaintiffs were notified of the termination of their employment with L&T.

Quing. Ma. Corazon	Lower Navy Hill
Rhodora Bernabe	Finasisu Apartment
Maria Luisa Ernest	Navy Hill

INTERROGATORY NO. 32: State whether any employees and/or agents of defendant took any notes and/or prepared any memoranda or other writings during and/or in connection with the termination of plaintiffs' employment with defendant. If yes, identify:

a. the name and job position of the individual who took the notes and/or prepared the memoranda or other writings;

b. the location of the notes and memoranda; and

c. the substance of the notes and memoranda.

RESPONSE: Objection, vague and overbroad and unduly burdensome. L&T is unaware of the existence of any notes, memoranda or other writings made during the termination of the plaintiffs. Documents made in connection with the termination include the termination notices, the employment contracts and more broadly speaking, the efficiency reports, reduction in force policies, and other documents identified in Defendants Rule 26 disclosure.

1 **INTERROGATORY NO. 33:** Identify by date, location and participants of each and every
2 conversation in which the subject of termination of plaintiffs was discussed by defendant and any of
3 its supervisors, officers or managers, and state the substance of each such conversation.

4 **RESPONSE:** Objection. Vague, overbroad and unduly burdensome.
5

6 **INTERROGATORY NO. 34:** Describe in detail and identify by date each and every
7 correspondence, memorandum or other document in which the subject of the termination of
8 plaintiffs was discussed by defendant, its officers, managers or other employees.
9

10 **RESPONSE:** Objection. Vague, overbroad and unduly burdensome. Please refer to documents
11 identified in Defendants Rule 26 disclosure.

12
13 **INTERROGATORY NO. 37:** State whether any disciplinary or warning action for job
14 performance reasons or otherwise was ever taken against plaintiffs any time during the course of
15 their employment with defendant. If yes, state:

- 16 a. the dates on which the disciplinary or warning action was taken;
17 b. the reason for and the form of the disciplinary or warning action;
18 c. the name and job position of each person who in any way participated in the
19 decision to issue the disciplinary or warning action; and
20 d. identify each and every document upon which you base your answer to this
21 interrogatory.

22 **RESPONSE:** None of the Charging Parties were given formal or documented disciplinary or
23 warning action during the course of their employment with defendant. Cory Quing testified in her
24 deposition that she recalled verbally warning a few plaintiffs on a few occasions about unsatisfactory
25 work performance.

1 **INTERROGATORY NO. 39:** If your answer to Request for Admission No. 28 is anything other
2 than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that
3 the defendant believes supports or tends to support the defendant's answer to that Request for
4 Admission, including the identity of documents that support or tend to support the defendant's
5 answer and the identity of all persons who have knowledge of facts that the defendant believes
6 supports or tends to support the defendant's answer to that Request for Admission.
7

8 **RESPONSE:** Not applicable.
9

10 **INTERROGATORY NO. 42:** If your answer to Request for Admission No. 31 is anything other
11 than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that
12 the defendant believes supports or tends to support the defendant's answer to that Request for
13 Admission, including the identity of documents that support or tend to support the defendant's
14 answer and the identity of all persons who have knowledge of facts that the defendant believes
15 supports or tends to support the defendant's answer to that Request for Admission.
16

17 **RESPONSE:** Except for those Plaintiffs whose depositions were taken and who testified on this
18 issue, Responding Defendant presently lacks sufficient information to answer this question as to all
19 plaintiffs.
20

21 **INTERROGATORY NO. 46:** If your answer to Request for Admission No. 35 is anything other
22 than unequivocal "Admit," please describe, state and explain in detail each fact and legal theory that
23 the defendant believes supports or tends to support the defendant's answer to that Request for
24 Admission, including the identity of documents that support or tend to support the defendant's
25 answer and the identity of all persons who have knowledge of facts that the defendant believes
supports or tends to support the defendant's answer to that Request for Admission.

RESPONSE: Responding Defendant admits that defendant is obligated to pay plaintiffs' return airfare to the Philippines to the extent provided for in the non-resident worker contract and according to CNMI law. 3 CMC § 4438(b) "All costs of repatriation of the nonresident worker shall be the responsibility of the employer." Pursuant to the employment contract between L&T and the Plaintiffs "The employer shall be responsible for the booking and purchase of the employee's return airplane ticket to his/her point of hire at the expiration or termination of the employment contract. The employee expressly agrees to depart the Commonwealth no later than three days after the expiration of the permit is renewed, or the employee is permitted to stay in the Commonwealth by operation of law. The employer shall not be responsible for repatriation expenses in the event the employee is transferred to another employer by the Department of Labor and Immigration or where repatriation is not required or mandated by law due to a change in labor or immigration status of the employee." L&T is ready, willing and able to repatriate any Plaintiff who notifies L&T of their intent to repatriate.

INTERROGATORY NO. 53: Identify each and every fringe benefit (including, but not limited to, health, life and disability insurance, pension plan, profit sharing, bonus plan, savings plan and stock option plan) for which the plaintiffs were eligible while employed by defendant. For each such benefit, state:

- a. the date on which each plaintiff became eligible for the benefit;
- b. the monthly cost to defendant for providing the benefit to plaintiffs as of the last date of plaintiffs' employment with defendant;
- c. where the defendant contributes to a fund for a particular fringe benefit, state the basis for determining the amount of contribution and the amount of each monthly contribution made by defendant per fringe benefit for each and every month during the twelve (12) months preceding plaintiffs' termination;
- d. where eligibility for the fringe benefit is governed by vesting requirements, identify those vesting requirements;

e. for any bonus or commission for which each plaintiff was eligible, state the basis for determining the amount of bonus or commission and identify each and every bonus or commission each plaintiff received during the term of their employment; and

f. identify each and every document which in any way describes each fringe benefit and the benefits thereunder.

RESPONSE: Please refer to Plaintiffs' employment contract.

INTERROGATORY NO. 54: Identify and describe all fringe benefits provided by defendant that were factored into defendant's calculation of plaintiff(s) regular hourly rate.

RESPONSE: Please refer to Plaintiffs' employment contracts.

INTERROGATORY NO. 57: From January 1, 2003 to the present, state whether severance pay or any other payments or benefits were given to any of defendant's employees on or following the date of that employee's termination of employment with defendant. If yes:

a. identify by name, job position (title) and date of termination all persons who received such severance pay, payments or benefits, and identify by name and job position all individuals at defendant who directed, approved, recommended or were otherwise involved in the granting of such severance pay, payments or benefits to those individuals;

b. state whether any company, corporation, affiliate or business entity, affiliated or connected with or under the Tan Holdings Corporation, their officers, employees and directors, directed, approved, recommended or was otherwise involved in the payments;

c. describe the precise nature and amount of each item of severance pay or other payment or benefit;

d. describe the precise factual basis and reason for each item of severance pay or other payment or benefit given; and

1 e. identify each and every document upon which you base your answer to this
2 interrogatory.

3 **RESPONSE:** Objection vague, overbroad and irrelevant. Notwithstanding the objections, please
4 refer to the employment contracts and payroll records Bates stamped respectively as 01154 through
5 01722.

6
7 **INTERROGATORY NO. 58:** Describe in detail, stating each fact and legal theory relied on,
8 defendant's termination of plaintiffs based on "on-going re-engineering and reduction in force due to
9 economic necessity."

10
11 **RESPONSE:** L&T's employment contract with the Plaintiffs provided that termination for cause
12 included a reduction in force due to adverse economic conditions or economic necessity. L&T
13 terminated the plaintiffs contract, because reduction in force due to economic necessity. Please refer
14 to Documents identified in L&T's Rule 26 disclosure.

15
16 **INTERROGATORY NO. 59:** Describe in detail, identifying each document and opinion relied on,
17 stating each fact and legal theory relied on, the process and procedures utilized by defendant in
18 determining that each plaintiff had to be terminated because of "on-going re-engineering and
19 reduction in force due to economic necessity," giving the date(s) of said actions.

20 **RESPONSE:** Please refer to the reduction in force policies, the matrix of employees subject to
21 termination, the employment contracts, sales reports, orders, sales projections, industrial engineering
22 reports, employee efficiency reports and all documents identified in Defendant's Rule 26 disclosures
23 and the documents identified in connection with Plaintiffs request for production of documents.

24
25 **INTERROGATORY NO. 60:** Describe in detail and identify each and every fiscal and economic
indicator, occurrence, event, report, opinion and factor, that defendant relied on in determining to

1 terminate plaintiffs because of "on-going re-engineering and reduction in force due to economic
2 necessity."

3 **RESPONSE:** Please refer to documents produced in connection with Plaintiffs request for
4 production of documents and identified in Defendants Rule 26 Disclosure.

5
6 **INTERROGATORY NO. 61:** Identify and describe in detail each and every employee that was
7 laid-off, suffered a reduction in hours or was terminated as a result of defendant's asserted "on-
8 going re-engineering and reduction in force due to economic necessity," during the period from
9 January 1, 2001 through January 1, 2006.

10
11 **RESPONSE:** Objection. Overbroad, unduly burdensome and seeks information unlikely to lead to
12 the discovery of relevant evidence.

13
14 **INTERROGATORY NO. 62:** Identify and describe in detail each job vacancy filled by defendant
15 between January 1, 2001 and January 1, 2006.

16 **RESPONSE:** Please refer to response to production of documents Bates Stamped Nos. 00711
17 through 01125 and documents Bates Stamped No. 002188 through 002255.

18 **INTERROGATORY NO. 63:** Identify and describe all defendant's employee manuals and/or
19 employee handbooks, rules and regulations, regarding employee conduct, discipline and termination
20 in existence for the period January 1, 2003 to January 1, 2006. And if defendant will do so without a
21 formal request for production, provide copies of any such documents to counsel for plaintiffs by
22 attaching copies to defendant's answers to these interrogatories.

23 **RESPONSE:** Objection. Overbroad, unduly burdensome and seeks information unlikely to lead to
24 the discovery of relevant evidence. Notwithstanding, the objections, please refer to Code of Conduct
25 Bates Stamped No. 000074 through 000084 and all of the Plaintiffs employment contracts.

1 **INTERROGATORY NO. 64:** Give the names and addresses of all businesses to which defendant
2 supplied garments, goods or services for the years 2001 to the present.

3 **RESPONSE:** Objection. Overbroad, unduly burdensome and seeks information unlikely to lead to
4 the discovery of relevant evidence. Notwithstanding, the objections, Responding Defendant
5 supplied services to Concorde Garment Manufacturing Corporation.

6
7 **INTERROGATORY NO. 65:** Describe and identify all payments made to plaintiffs for each work
8 week and payroll period during plaintiffs' employment with defendant, stating for each such period
9 (a) each plaintiffs' regular hourly wage rate; (b) hourly overtime rate; and (c) each plaintiff's gross
10 and net pay.

11 **RESPONSE:** Please refer to payroll records Bates Stamped No. 001154-001722.

12
13 **INTERROGATORY NO. 66:** State the amount of your net worth for each of the last five fiscal
14 years.

15 **RESPONSE:** Objection. Overbroad, unduly burdensome and seeks information unlikely to lead to
16 the discovery of relevant evidence. Further, Defendant has proffered a stipulated protective order
17 under which such information may be released if relevant. Plaintiff has to date not executed the
18 stipulated protective order.

19
20 **INTERROGATORY NO. 67:** From 2001 to present, state whether defendant has ever been named
21 a party to any action, whether administrative or judicial (or was put on notice that such an action
22 would be initiated), wherein either allegations of breach of contract, failure to pay wages, unlawful
23 termination and bad faith breach of contract, breach of covenants of good faith and fair dealings,
24 intentional infliction of emotional distress or fraud and deceit, were raised and, in so doing, state:

25 a. the name of each individual who named defendant as a party or informed defendant
that he/she intended to do so;

1 b. the date on which the action was filed or on which defendant was put on notice that
2 such action would or might be filed;

3 c. the final disposition of the action or notice that such action would be pending; and

4 d. the docket number of any such action and the name of the court or administrative
5 agency in which it was filed.

6 **RESPONSE:** Objection. Overbroad, unduly burdensome and seeks information unlikely to lead to
7 the discovery of relevant evidence.

8
9 **INTERROGATORY NO. 68:** State and describe in detail, the legal and factual basis for and
10 supporting the defendant's First Affirmative Defense that "Plaintiff fails to state a claim upon a
11 relief can be granted" as set forth in its Answer.

12 **RESPONSE:** There is no independent cause of action for return airfare.

13
14 **INTERROGATORY NO. 78:** State and describe in detail what information, documentation, and
15 facts defendant had in its possession indicating and supporting assertion that "Plaintiff's claims are
16 limited because Plaintiff has not suffered damage or because of Plaintiff's failure to mitigate
17 damages" as set forth in the Eleventh Affirmative Defense in its Answer.

18 **RESPONSE:** Please refer to plaintiffs' deposition testimony and documents produced at deposition
19 pursuant to Defendants request.

20
21 Dated this 31st day of August, 2005.

22
23
24
25



COLIN M. THOMPSON, Esq.
Attorney for Defendant

CERTIFICATE OF SERVICE

Emily S. Licop, hereby certifies that a true and correct copy of **DEFENDANT'S SUPPLEMENTAL RESPONSES TO PLAINTIFFS' FIRST SET OF REQUESTS FOR INTERROGATORIES** in the foregoing civil action was served via facsimile and hand delivery to the office of:

Joe Hill, Esq.
Attorney at Law
P.O. Box 500917
Saipan, MP 96950

This 31st day of August, 2006.



EMILY S. LICOP